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STATE OF NEVADA  
BOB MILLER  
Governor



Waste Management  
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Water Quality Planning  
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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL PROTECTION

333 W. Nye Lane, Room 138  
Carson City, Nevada 89706-0851

June 15, 1998

G.W. Johnson, Manager  
Department of Energy  
Nevada Operations Office  
P.O. Box 98518  
Las Vegas, NV 89193-8518

ACTION	<u>MGR AMEM ERD WMD ESHD</u>
INFO	<u>✓</u>
MGR	<u>✓</u>
AMBFS	<u>✓</u>
AMTS	<u>✓</u>
AMNS	<u>✓</u>
AMEM	<u>✓</u>

RE: Proposed Modifications to the Federal Facility Agreement and Consent Order and the Federal Facility Compliance Act Consent Order

Dear Mr. Johnson:

The Nevada Division of Environmental Protection (NDEP) has received and reviewed the proposed modifications to the Federal Facility Agreement and Consent Order (FFACO) and the Federal Facility Compliance Act Consent Order (FFCACO). Our staffs have discussed these changes and agree that the language modifications as proposed required some additional clarifications. The following are the referenced sections incorporating the final agreed to language.

1. Modification of paragraph XII.4.b of the FFACO. The last sentence of the paragraph will be changed to read as follows:

"DOE and DoD, in cooperation with NDEP, will develop a final prioritization of CAUs for CAIs and corrective actions. NDEP will establish deadlines within 30 days of receipt of the final proposed DOE and/or DoD milestones for all prioritized CAU activities it asserts must be incorporated into the FY +2 Budget Request."

2. Modification to subpart IX.4.b of the FFCACO. The existing paragraph remains unchanged and a second paragraph is added to this subpart as follows:

G.W. Johnson, Manager

June 15, 1998

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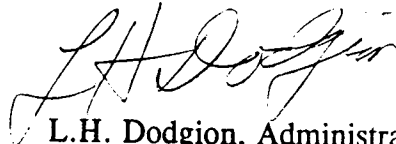
"New milestones and associated due dates, for which NDEP may establish deadlines will be proposed through annual updates to the Site Treatment Plan, as described in Part X., Annual Site Treatment Plan Updates. These milestones will be considered in the development of the FY+2 program and budget in accordance with Part XX.5."

3. Modification to the first sentence of paragraph IX.1 of the FFCACO, which were previously agreed to, will read as:

"Following the effective date of this Order, DOE shall, on or before the 30th calendar day following the end of each fiscal quarter except the forth quarter when it will be on or before the 60th calendar day after the end of the fiscal year, submit a written or electronic progress report....."

If you have any questions or comments, please contact Paul Liebendorfer, of my staff, at 687-4670 extension 3039.

Sincerely,



L.H. Dodgion, Administrator  
Division of Environmental Protection

LHD\PJL\js

CC: D. Bedsun, DWSA  
S. Mellington, DOE/AMEM  
R. Wycoff, DOE/ERD  
F. DiSanza, DOE/WMD  
K. Hoar, DOE/ESHD  
D. Garrepy, NDEP/LV  
J. Johnson, NDEP/CC  
C. Case, NDEP/CC  
P. Hall, DOE/ERD

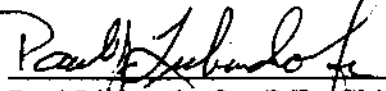
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**Agreement to Modify the  
Federal Facility Agreement and Consent Order**

The Department of Energy, Nevada Operations Office, the Nevada Division of Environmental Protection (NDEP) and the Department of Defense have agreed that paragraph XII.4.b of the May 10, 1996, version of the Federal Facility Agreement and Consent Order requires revision. In the interim until the Agreement itself is resigned, the parties intend to comply with a revised provision as described in a June 15, 1998, letter from NDEP. In accordance with the referenced letter, paragraph XII.4.b shall be changed to read as follows:

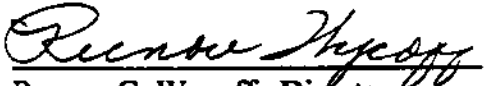
"XII.4.b. During the quarterly meeting held during the fiscal year second quarter, the parties shall initiate the process to establish priorities, milestones, and associated due dates for CAUs for FY+2. At this meeting, DOE will propose CAU milestones for target and planning funding levels, as appropriate. DOE may choose to develop milestones above the target funding level, but shall identify which proposed milestones are above the target case. NDEP, under its authority, may establish deadlines for any milestones for DOE and DoD activities subsequent to the prioritization process established in Appendix VI, Corrective Action Strategy. DoD asserts it is not able to commit to these FY+2 enforceable dates. Prioritized CAUs with their associated milestones, due dates, and/or deadlines shall be listed in Appendix III, Corrective Action Investigations/Corrective Actions. Parties reserve the right to invoke paragraph IX.1 if an issue is not resolved. Subsequent to this meeting, input on the proposed priorities will be sought from the public and the Community Advisory Board. DOE and DoD, in cooperation with NDEP, will develop a final prioritization of CAUs for CAIs and corrective actions. NDEP will establish deadlines within 30 days of receipt of the final proposed DOE and/or DoD milestones for all prioritized CAU activities it asserts must be incorporated into the FY+2 Budget Request."

State of Nevada:

  
Paul Liebendorfer, P.E., Chief  
Bureau of Federal Facilities  
and FFACO Agreement Coordinator

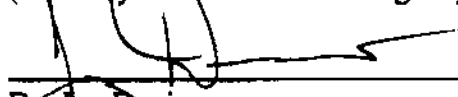
3/10/99  
Date

Department of Energy:

  
Runore C. Wycoff, Director  
Environmental Restoration Division  
and FFACO Agreement Coordinator

3-9-99  
Date

Defense Threat Reduction Agency:  
(formerly Defense Nuclear Agency)

  
Dr. Jay Davis  
Director

24/3/99  
Date